

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK COLSTON,

Plaintiff,

v.

Case No. 11-cv-14050
HON. MARK A. GOLDSMITH

MICKLESON,
JOHN DOE,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION TO DISMISS, and DISMISSING PLAINTIFF'S
COMPLAINT**

This is a prisoner civil rights case. This matter is presently before the Court on Defendant's motion to dismiss, filed January 30, 2012 (Dkt. 9), and the Report and Recommendation ("R&R") of Magistrate Judge Michael Hluchaniuk, entered June 4, 2012 (Dkt. 14). The Magistrate Judge recommends that Defendant's motion to dismiss be granted and that Plaintiff's complaint be dismissed. In response to Plaintiff's motion for an extension of time (Dkt. 15), the Court ordered that Plaintiff was allowed additional time to file objections to the R&R (Dkt. 16); however, Plaintiff did not file objection within the allowed time, and the time to object has now expired. Because Plaintiff has not timely objected to the R&R, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). As the Magistrate Judge noted in the R&R, Defendant is protected from suit by the doctrine of qualified immunity. The Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the proper reasons.

Accordingly, the Magistrate Judge's R&R (Dkt. 14) is accepted and adopted as the findings and conclusions of the Court. Defendant's motion to dismiss (Dkt. 9) is granted and that Plaintiff's complaint is dismissed.

SO ORDERED.

Dated: July 23, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 23, 2012.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager